

Appl. No. 09/823,955
Amitt. dated March 29, 2004
Reply to Office Action of September 29, 2003

PATENT

REMARKS/ARGUMENTS

Upon entry of this amendment, claims 1, 4, 5, 18-20, 22-26 and 30-31 have been amended, and claims 6, 14-17 and 29 have been canceled; claims 1-5, 7-13, 18-28 and 30-31 remain pending.

Claim Objections

Claims 7-28 are objected due to a number of informalities. In light of the above amendment, it is believed that these informalities have now been corrected and the pending claims are now in compliance.

35 USC 102

Claims 1-26 and 28-31 are rejected under 35 USC 102(e) as being anticipated by Durand et al. (U.S. Pat. No. 6,272,67) ("Durand"). For at least the reasons set forth below, Applicants respectfully traverse the foregoing rejection and submit that claims 1-5, 7-13, 18-26, 28 and 30-31 are now patentable over the cited art.

With respect to claim 1, this claim has been amended to include the limitation that a second user can use an user interface to specify the item characteristics and the limitation that the weights associated with the attributes can be adjusted based on a market condition. Hence, the two parties to a match both have the ability to specify their own attributes and associated weights. The attributes and associated weights specified by each user may vary. Furthermore, the weights associated with the attributes can be adjusted based on a market condition. In contrast, Durand does not disclose or suggest a system having the capability to adjust the weight of an attribute. The system, as shown in Durand, col. 10, lines 45-67, is only able to change the actual value of an attribute in a preference profile. Changing the actual value of an attribute is not the same as changing the level of preference for an attribute to a user. Hence, claim 1 is now deemed to be patentable over the cited art.

With respect to claims 30 and 31, these claims include the limitation that one or more attribute can be substituted in either the preferences or the item characteristics or both. In

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contrast, as mentioned above, the system in Durand is only able to change the actual value of an attribute in the preference profile. Changing the actual value of an attribute is not the same as substituting an attribute. Hence, claims 30 and 31 are deemed to be patentable over the cited art.

Claims 2-5, 7-13, 18-28 depend either directly or indirectly from claim 1. Hence, these claims at least derive their patentability therefrom and are deemed to be patentable over the cited art. Notwithstanding the foregoing, at least some, if not all, of these claims by themselves are also deemed patentable over the cited art, as will be further discussed below.

For example, with respect to claims 4 and 5, these claims include the limitation that one of a number of functions is selected for use with the weighted comparison based on the preferences provided by a user and claim 5 further includes the limitation that the functions include a linear function and a non-linear function. In contrast, Durand does not disclose or suggest these limitations. Hence, claims 4 and 5 by themselves are deemed to be patentable over the cited art.

With respect to claim 18, this claim includes the limitation that an attribute is a time attribute representing the time at which an event occurs or the duration of the event. In contrast, Durand does not disclose or suggest this limitation. While birth date or age may be considered a time attribute representing the time at which an event occurs, they do not represent duration of an event. Hence, this claim by itself is deemed to be patentable over the cited art.

With respect to claim 20, this claim includes the limitation that an absolute difference calculated based on two location attributes is treated continuously. In contrast, Durand does not disclose or suggest this limitation. The system as shown in Durand, col. 13, lines 2-24, uses discrete values to determine a location match. This is different from treating the absolute difference continuously in determining a match. Hence, claim 20 by itself is deemed to be patentable over the cited art.

With respect to claim 25, this claim includes the limitation that the original value of an attribute is transformed into a continuous value, where the original value is either a continuous or discrete value. In contrast, Durand does not disclose or suggest this limitation. As mentioned above, Durand discloses changing the value of an attribute and, more specifically, from one discrete value to another discrete value. That is different from changing the value of an

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attribute to a continuous value. Hence, claim 25 by itself is deemed to be patentable over the cited art.

With respect to claim 26, this claim includes the limitation that users can provide attributes on an ad hoc basis. In contrast, Durand does not disclose or suggest this limitation. Hence, claim 26 by itself is deemed to be patentable over the cited art.

35 USC 103

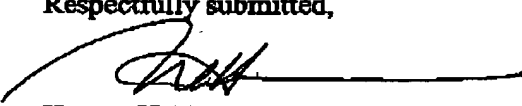
Claim 27 is rejected under 35 USC 103(a) as being unpatentable over Durand. Without conceding the issue of patentability, claim 27 depends from claim 1 and hence at least derives patentability therefrom. Therefore, claim 27 is deemed to be patentable over the cited art.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


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Attachments
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